

# **Exhibit 1**

Alexander v. Asbestos  
January 30, 2007

John Alexander

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SUPREME COURT: ALL COUNTIES  
WITHIN THE STATE OF NEW YORK

IN RE: NEW YORK CITY :  
ASBESTOS LITIGATION :  
: DEPOSITION UPON  
This Document Applies To: : ORAL EXAMINATION  
: OF  
JOHN ALEXANDER : JOHN ALEXANDER

TRANSCRIPT of the deposition of  
JOHN ALEXANDER, called for Oral Examination in the above  
entitled action, said deposition being taken pursuant to  
Rules governing Civil Practice in the Courts of New York,  
by and before KERRY D. HALPERN, a Notary Public and  
Shorthand Reporter of the State of New York, at the law  
office of WEITZ & LUXENBERG, P.C., 180 Maiden Lane, 17th  
Floor, New York, New York 10038, on Tuesday, January 30,  
2007, commencing at 11:05 a.m.

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(718) 983-1234

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IT IS HEREBY STIPULATED AND AGREED  
by and between the attorneys for the respective parties  
hereto that filing, sealing and certification of the  
within Examination Before Trial be waived; that all  
objections, except as to form, are reserved to the time  
of trial.

IT IS FURTHER STIPULATED AND AGREED  
that the transcript may be signed before any Notary  
Public with the same force and effect as if signed before  
a Clerk or Judge of the Court.

IT IS FURTHER STIPULATED AND AGREED  
that the within examination may be utilized for all  
purposes as provided by the CPLR and Part 221 of the  
Uniform Rules for the Conduct of Depositions.

IT IS FURTHER STIPULATED AND AGREED  
that all rights provided to all parties by the CPLR shall  
not be deemed waived and the appropriate sections of the  
CPLR shall be controlling with respect thereto.

IT IS FURTHER STIPULATED AND AGREED by and  
between the attorneys for the respective parties hereto  
that a copy of this Examination shall be furnished,  
without charge, to the attorney representing the witness  
testifying herein.

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1 Q. What was the next job you had after  
2 working at the grocery store?  
3 A. Then, I went to work for Mr. Wilfred  
4 Glean.  
5 Q. How do you spell his first name?  
6 A. Wilford, W-I-L --  
7 Q. F-R-E-D?  
8 A. F-O-R-D.  
9 Q. Is it Wilford or Wilfred?  
10 A. I can't. I can tell you definitely his  
11 last name was Glean.  
12 Q. I got it.  
13 What type of place was it that you  
14 worked for Mr. Glean?  
15 A. A repair shop.  
16 Q. Do you remember the name of it?  
17 A. Glean's Auto Repair.  
18 Q. Where was that located?  
19 A. It's on Bronx River Avenue.  
20 Q. Do you know if it is still there?  
21 A. If the building is still there, I don't  
22 know.  
23 Q. I meant the shop.  
24 A. No. He is deceased.  
25 Q. I guess if you don't know if the

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1 building is still there it is hard to know whether the  
2 auto repair is still there, so bad question.  
3 What year did you start working at  
4 Glean's Auto Repair?  
5 A. 1956.  
6 Q. How long did you work there?  
7 A. Until 1958.  
8 Q. What was your job when you first started  
9 working at Glean's Auto Repair?  
10 A. I was a cleanup man.  
11 Q. Did you ever have any other jobs during  
12 the time that you were there?  
13 A. Well, you start out as a cleanup man,  
14 and then I would be washing the parts. I learned how to  
15 fix tires. I helped the mechanics to do the work. That  
16 is how I learned to become a mechanic.  
17 Q. After you left Glean's Auto Repair,  
18 where did you go?  
19 A. I went down to Sheridan Auto Repairs on  
20 7th Avenue and 14th Street.  
21 Q. That's in Manhattan?  
22 A. Yes, down here.  
23 Q. How long were you there?  
24 A. A short time. Maybe about six months.  
25 Q. What was your job when you started

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1 working at Sheridan Auto Repairs?  
2 A. Mechanic.  
3 Q. Were you a mechanic the entire six  
4 months that you were there or did you also have other --  
5 A. I had other duties too.  
6 Q. What was the next place you worked?  
7 A. The service station on York and 96th  
8 Street. The name of it -- I can't remember the name of  
9 it exactly.  
10 Q. This, again, was in Manhattan?  
11 A. Yes.  
12 Q. Your Answers to Interrogatories indicate  
13 the name of the station is either --  
14 A. Kaufman or Bernstein. I can't remember  
15 exactly.  
16 Q. Okay.  
17 What years did you work there?  
18 A. 1958.  
19 Q. For how long?  
20 A. It had to be short because I went into  
21 K&D in, I think it was, April of 1959.  
22 Q. So, the service station at York and 96th  
23 Avenue, did you work there for a period of a year, more  
24 than a year, less than a year?  
25 A. Less than a year.

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1 Q. Do you know if it was more or less than  
2 six months?  
3 A. I put six months in Sheridan, and I went  
4 in April of the next year, so it had to be less than six  
5 months, right?  
6 Q. Sorry, I have to ask you some questions  
7 like that. I am not required to do math.  
8 A. Okay.  
9 Q. Did you ever work anyplace after  
10 beginning the job at K&D Service Station?  
11 A. No, that's it.  
12 Q. What was your job at the service station  
13 on York and 96th Avenue, your job title?  
14 A. Assistant mechanic.  
15 Q. At K&D Service Station, what was your  
16 first job title?  
17 A. Mechanic.  
18 Q. Did you ever have a different job title  
19 there?  
20 A. No. Well, at the end, I was the boss.  
21 Q. Did you ever have an ownership interest  
22 at K&D Service Station?  
23 A. Yes.  
24 Q. When did you first own part of that  
25 station?

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<p>Page 45</p> <p>1 A. 1962 -- 1962, 1963, around there.</p> <p>2 Q. Were you a part owner or a full owner of</p> <p>3 K&amp;D Service Station beginning in 1962 or '63?</p> <p>4 A. I was a half owner.</p> <p>5 Q. Who else owned it with you?</p> <p>6 A. Mr. Frank D'Antuono.</p> <p>7 Q. Could you spell his last name?</p> <p>8 A. D apostrophe A-N-T-U-O-N-O.</p> <p>9 Q. Did you ever have any business partner</p> <p>10 at K&amp;D Service Station other than D'Antuono?</p> <p>11 A. No.</p> <p>12 Q. Did you ever own more than half of the</p> <p>13 station?</p> <p>14 A. Yes.</p> <p>15 Q. When was that?</p> <p>16 A. 1982, Mr. D'Antuono retired.</p> <p>17 Q. And you ended up owning the entire</p> <p>18 station then?</p> <p>19 A. Yes.</p> <p>20 Q. Does that station still exist, K&amp;D</p> <p>21 Service Station?</p> <p>22 MR. COOPER: Objection to the</p> <p>23 form.</p> <p>24 Do you mean the name,</p> <p>25 structure?</p>	<p>1 A. It is just a real estate company now.</p> <p>2 Q. Does K&amp;D now own any property?</p> <p>3 A. No.</p> <p>4 Q. What type of real estate work does K&amp;D</p> <p>5 do now?</p> <p>6 A. Well, Getty sends the check to K&amp;D now.</p> <p>7 Q. When does the current lease Getty</p> <p>8 expire?</p> <p>9 A. February 1, 2011.</p> <p>10 Q. Was the original lease a ten-year lease?</p> <p>11 A. Yes.</p> <p>12 Q. What was the amount of money that Getty</p> <p>13 pays -- withdrawn.</p> <p>14 How much does Getty pay K&amp;D each month</p> <p>15 for the space?</p> <p>16 MR. COOPER: Over objection,</p> <p>17 you can answer.</p> <p>18 A. The first five years is \$5,500. The</p> <p>19 second five years is \$6,160.</p> <p>20 Q. Do either you or K&amp;D have any</p> <p>21 relationship with Getty other than this lease</p> <p>22 arrangement?</p> <p>23 MR. COOPER: Over objection,</p> <p>24 you can answer.</p> <p>25 A. That is the only arrangement we have.</p>
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<p>Page 46</p> <p>1 Q. Do you understand my question?</p> <p>2 A. If you mean K&amp;D as a going entity as a</p> <p>3 service station, no, because Getty rented it.</p> <p>4 Q. So, when did the service station no</p> <p>5 longer operate under the name K&amp;D?</p> <p>6 A. February 1, 2001.</p> <p>7 Q. And you sold your entire interest in the</p> <p>8 company at that time Getty?</p> <p>9 A. No. They leased the station, but K&amp;D --</p> <p>10 K&amp;D Gas Station still exists because we need it for</p> <p>11 medical insurance.</p> <p>12 Q. So, what is the current location of K&amp;D</p> <p>13 Service Station?</p> <p>14 MR. COOPER: Objection to the</p> <p>15 form.</p> <p>16 You can answer.</p> <p>17 A. 187 Pelham Road.</p> <p>18 Q. Which is your current residence,</p> <p>19 correct?</p> <p>20 A. Right, yes.</p> <p>21 Q. Are you still the full owner of K&amp;D</p> <p>22 Service Station that now operates out of your residence?</p> <p>23 A. Yes.</p> <p>24 Q. Does K&amp;D Service Station now perform any</p> <p>25 type of business or service?</p>	<p>1 Q. Did you attend the Tarrytown General</p> <p>2 Motors school during the time that you worked at K&amp;D</p> <p>3 Service Station?</p> <p>4 A. Yes.</p> <p>5 Q. Was that during the time that you were</p> <p>6 part owner of the station or not?</p> <p>7 A. I was part owner, yes.</p> <p>8 Q. Have you ever been a member of any</p> <p>9 union?</p> <p>10 A. Yes.</p> <p>11 Q. What union?</p> <p>12 A. Amalgamated Local 1.</p> <p>13 Q. When did you first become a member of</p> <p>14 that union?</p> <p>15 A. When I first went to work for K&amp;D.</p> <p>16 Q. Are you still a member?</p> <p>17 A. No. That union is not there anymore.</p> <p>18 Q. How long were you a member of that</p> <p>19 union?</p> <p>20 A. I can't recall exactly.</p> <p>21 Q. Was it ten years, or more or less?</p> <p>22 A. Probably less.</p> <p>23 Q. Did you ever have any positions in the</p> <p>24 union other than being a member?</p> <p>25 A. No.</p>

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<p style="text-align: right;">Page 53</p> <p>1 Q. Was the repair shop also a gas station 2 or not? 3 A. It was a repair shop. It was a station, 4 a gas station, and it was a garage, a parking garage. 5 But, Glean's only had the repair shop. 6 Q. So, did people who worked for Glean's 7 ever do anything in connection with the parking garage? 8 A. No. 9 Q. Did the people who worked for Glean's 10 ever service the gas station at all? 11 A. No. 12 Q. How long were you solely a cleanup man 13 for Glean's Auto Repair shop? 14 A. That is hard to answer because I melded 15 right in. 16 Q. Would you say that you were primarily a 17 cleanup man for the bulk of your time at Glean's Auto 18 Repair shop or not? 19 A. Oh, no, no. 20 Q. How much time was spent doing clean-up 21 type work for you, roughly -- withdrawn. 22 When did you first begin assisting 23 mechanics with brake work at Glean's Auto Repair shop? 24 A. From day one. 25 Q. About how often did you do that?</p>	<p>1 Auto Repair shop on your own, did you? 2 A. Eventually I did, yes. 3 Q. When did you start doing them on your 4 own? 5 A. I don't recall exactly, but I was doing 6 them. 7 Q. About how soon before you left Glean's 8 Auto Repair shop -- withdrawn. 9 Was brake work that you performed on 10 your own something that you did just at the tail end of 11 your stay at Glean's Auto Repair shop? 12 MR. COOPER: Objection to the 13 form. 14 You can answer. 15 A. It was way before then. 16 Q. When you did brake work -- withdrawn. 17 When you either assisted or did brake 18 work at Glean's Auto Repair shop, were you dealing solely 19 with brake drums during that period? 20 A. Yes. 21 Q. Drum brakes, I should say. 22 A. Drum brakes. 23 Q. What did you do to assist a mechanic 24 performing brake work at Glean's Auto Repair shop? Just 25 describe for me what you did.</p>
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<p style="text-align: right;">Page 54</p> <p>1 A. Whenever there was a job to be done. 2 Q. Was your job at Glean's Auto Repair shop 3 full-time or part-time? 4 A. At the beginning, it started part-time 5 because I was still going to school, and then I became 6 full-time when I got out of school. 7 Q. Was your job part-time -- while you were 8 at Glean's, did you work mostly part-time or was most of 9 the time that you were there full-time? 10 MR. COOPER: Objection to the 11 form. 12 You can answer. 13 A. It started as part-time when I was going 14 to school. When I left the school, then I became 15 full-time. And then I was 12 hours a day in there. 16 Q. How many hours a day did you work there 17 when it was only part-time? 18 A. About five, six hours. 19 Q. How many days a week did you do 20 part-time work for Glean's Auto Repair shop? 21 A. Five days. 22 Q. How many days a week did you work when 23 you were doing full-time? 24 A. Six days. 25 Q. You never did any brake jobs at Glean's</p>	<p>1 MR. COOPER: Just note my 2 objection. 3 Asked and answered. 4 You can answer. 5 A. Remove the wheels, remove the drums, 6 blow out the drums with the air hose, the backing plate 7 and the shoes and, like I said, there's plenty of dust 8 around. 9 Q. Did you do anything else to assist 10 mechanics with brake work other than what you just told 11 me? 12 A. After a while, I got to learn to take 13 the shoes off, how to put the shoes back on. 14 Q. What did you do to take shoes off? 15 A. Learned how to use the tools with the 16 springs to remove the springs. 17 Q. Can you describe that process for me? 18 A. Well, the two springs that holds the 19 shoes, you have to use a tool to take the springs off 20 because they -- there's a lot of tension on them. 21 Q. How did you put shoes back on at Glean's 22 Auto Repair shop? 23 A. Reverse the process. 24 Q. Do you believe that you were exposed to 25 asbestos during the course of removing brakes during a</p>

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1 brake job?  
2 A. Yes.  
3 Q. How so?  
4 A. Because the dust.  
5 Q. The dust from what?  
6 A. From within the drums.  
7 Q. Do you know the brand, trade or  
8 manufacturer name of any of the brakes that you removed  
9 during the course of your time at Glean's Auto Repair  
10 shop?  
11 A. It was all the companies.  
12 Q. Do you remember any of the company names  
13 of the brakes that you removed?  
14 A. You had General Motors, Ford, Chrysler,  
15 International, I believe Bendix, Raybestos, and there is  
16 one more if I am not mistaken.  
17 Q. Okay.  
18 Do the names Thermold or Thermakill  
19 ring a bell at all?  
20 A. It sounds familiar.  
21 Q. Do you recall whether you removed any of  
22 those brakes at Glean's Auto Repair shop?  
23 A. Offhand, I can't remember that.  
24 MR. EMERY: Give me just a  
25 second.

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1 (Pause in proceedings.)  
2 Q. What type of vehicles did you perform  
3 brake jobs on when you were at Glean's Auto Repair shop?  
4 A. All makes.  
5 Q. Would it be fair to say that when you  
6 would remove brakes from a certain brand of car that you  
7 didn't always remove that -- if you were working on a  
8 certain brand of car, isn't it fair to say that often-  
9 times the brakes that you would be working on in that car  
10 weren't the same brand as the car itself?  
11 MR. COOPER: Objection to the  
12 form.  
13 You can answer, if you  
14 understand it.  
15 A. It could be, yes.  
16 Q. So, what was it about a brake drum, what  
17 part of a brake drum do you believe that contained  
18 asbestos?  
19 A. The drum itself didn't. It is just the  
20 dust that was in it.  
21 Q. Do you know where that dust came from?  
22 A. From the brake linings.  
23 Q. Do you know the brand, trade or  
24 manufacturer name of any of the brake linings that were  
25 in any of the brake drums that you removed during the

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1 course of your time at Glean's Auto Repair job?  
2 MR. COOPER: Objection to the  
3 form.  
4 A. I can't recall that.  
5 MR. COOPER: It's okay.  
6 I just need to put my  
7 objection on the record.  
8 The linings aren't in drums.  
9 That's my objection.  
10 If you want to rephrase, it's  
11 up to you.  
12 Objection to the form.  
13 You can answer.  
14 MR. EMERY: I will rephrase.  
15 Q. Do you know the brand, trade or  
16 manufacturer name of any of the linings that you removed  
17 during the course of your time at Glean's Auto Repair  
18 shop?  
19 A. If the lining wasn't worn way down, it  
20 would have a name on them, yes.  
21 Q. How often would you remove a lining that  
22 hadn't been worn down to the point where there was no  
23 name left on it?  
24 MR. COOPER: Objection to the  
25 form.

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1 You can answer.  
2 THE WITNESS: Sorry?  
3 MR. COOPER: You can answer.  
4 A. It's hard to say.  
5 Q. Would that have been something that was  
6 infrequent?  
7 MR. COOPER: Objection to the  
8 form.  
9 You can answer.  
10 A. It's hard to say.  
11 Q. As you sit here right now, do you  
12 specifically recall seeing any specific company names on  
13 any linings that you removed during the course of doing a  
14 brake job?  
15 A. Yes.  
16 Q. Which ones?  
17 A. All of them.  
18 Q. Where did you see the names written?  
19 A. On the lining.  
20 Q. Where on the lining?  
21 A. On the face facing out (indicating).  
22 Q. Do you believe that you were exposed to  
23 asbestos at all during the course of not removing, but  
24 replacing the brakes?  
25 MR. COOPER: Are we still at

15 (Pages 57 to 60)



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<p style="text-align: right;">Page 61</p> <p>1 Glean's?</p> <p>2 MR. EMERY: We are still at</p> <p>3 Glean's.</p> <p>4 We will be at Glean's until</p> <p>5 move on to the next shop.</p> <p>6 A. You wouldn't be exposed to it if</p> <p>7 everything was cleaned off already.</p> <p>8 Q. So, what you are talking about was if</p> <p>9 there was still some sort of dirt or dust of some sort</p> <p>10 left on the brake?</p> <p>11 A. It's possible.</p> <p>12 Q. So, you don't believe that you were</p> <p>13 exposed to asbestos from actually putting a new brake on</p> <p>14 a vehicle at Glean's Auto Repair shop, correct?</p> <p>15 A. I would say fairly, yes.</p> <p>16 Q. Now, when you were removing brake drums</p> <p>17 and linings, isn't it fair to say that even in cases</p> <p>18 where linings might have had some sort of markings on</p> <p>19 them they would have been very hard or nearly impossible</p> <p>20 to read if they were dirty and dusty as you described?</p> <p>21 MR. COOPER: Objection to the</p> <p>22 form.</p> <p>23 You can answer.</p> <p>24 A. Not necessarily. If it came in with the</p> <p>25 milage low enough, you would have the dust, but the</p>	<p style="text-align: right;">Page 63</p> <p>1 dust.</p> <p>2 Q. How do you believe that exposed you to</p> <p>3 asbestos?</p> <p>4 A. Because I had to sweep it up.</p> <p>5 Q. Sweep up what?</p> <p>6 A. The shop. I had to sweep up the shop</p> <p>7 and get rid of the garbage.</p> <p>8 Q. How do you believe you were exposed to</p> <p>9 asbestos while performing a clutch job on a vehicle?</p> <p>10 A. When we took the transmission down and</p> <p>11 you took the bell housing down, it was all full of,</p> <p>12 again, dust and fibers.</p> <p>13 Q. When you took the bell housing down, you</p> <p>14 are saying that you could actually see dust and fibers?</p> <p>15 A. Inside the bell housing, yes.</p> <p>16 Q. Could you describe what these fibers</p> <p>17 looked like?</p> <p>18 A. Pieces of material.</p> <p>19 Q. Are we talking cloth material or</p> <p>20 something else?</p> <p>21 A. From the pressure plate or the disc</p> <p>22 plate, I should say, disc plate.</p> <p>23 Q. How big were these fibers?</p> <p>24 A. Not big at all.</p> <p>25 MR. COOPER: Scott, I am</p>
<p style="text-align: right;">Page 62</p> <p>1 lining wouldn't be worn down that much.</p> <p>2 Q. So, in situations where you could see</p> <p>3 the lining, there would be substantially less dust in the</p> <p>4 drum then, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Do you believe that you were exposed to</p> <p>7 asbestos at Glean's Auto Repair shop in any way other</p> <p>8 than what we have already discussed?</p> <p>9 A. Yes.</p> <p>10 Q. How so?</p> <p>11 A. Clutch jobs.</p> <p>12 Q. Anything else other than clutch jobs?</p> <p>13 A. Chrysler had an emergency brake band</p> <p>14 that was made out of asbestos.</p> <p>15 Q. Chrysler had an emergency brake what?</p> <p>16 A. I don't know how to explain it. It is</p> <p>17 like a band. They had a band.</p> <p>18 Q. Are you saying band, B-A-N-D?</p> <p>19 A. Right.</p> <p>20 Q. You have already talked about brakes.</p> <p>21 You just mentioned clutches and an emergency brake band.</p> <p>22 Was there anything else that you believe</p> <p>23 may have caused you to become exposed to asbestos at</p> <p>24 Glean's Auto Repair shop?</p> <p>25 A. When I cleaned up the floor, on the</p>	<p style="text-align: right;">Page 64</p> <p>1 sorry. My pen ran just out. Could we</p> <p>2 just take five minutes.</p> <p>3 MR. EMERY: All right.</p> <p>4 (A short recess was taken.)</p> <p>5 (The last question and answer</p> <p>6 were read back.)</p> <p>7 Q. So, we were just talking about clutch</p> <p>8 jobs.</p> <p>9 A. Yes.</p> <p>10 Q. Do you believe you were exposed to</p> <p>11 asbestos while doing a clutch job from any way other than</p> <p>12 the dust and fibers you described?</p> <p>13 A. No. That is it.</p> <p>14 Q. So, is it fair to say that the only way</p> <p>15 you believe you were exposed to asbestos while doing a</p> <p>16 clutch job is from getting rid of the old clutch?</p> <p>17 MR. COOPER: Objection to the</p> <p>18 form.</p> <p>19 You can answer.</p> <p>20 A. Yes.</p> <p>21 Q. You don't believe you were exposed to</p> <p>22 asbestos during the course of installing a new one,</p> <p>23 correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Do you know the brand, trade or</p>

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<p style="text-align: right;">Page 69</p> <p>1 Q. Do you remember their last names?</p> <p>2 A. No.</p> <p>3 Q. Were there other people who worked</p> <p>4 there?</p> <p>5 A. No.</p> <p>6 Q. So, when you mentioned that work being</p> <p>7 performed on -- withdrawn.</p> <p>8 We talked about how large the building</p> <p>9 was where the auto repair work was done, and you</p> <p>10 mentioned that six or seven vehicles could fit in there,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. But given the small number of employees,</p> <p>14 you never had work being done on all those cars at once,</p> <p>15 correct?</p> <p>16 A. It's possible. There was three of us</p> <p>17 working.</p> <p>18 Q. Right. If there are three of you</p> <p>19 working, then work would only be done on something</p> <p>20 between zero and three cars at any given time, correct?</p> <p>21 A. Right. Let me correct that. Four</p> <p>22 because Mr. Glean was a mechanic too.</p> <p>23 Q. Now, when you did sweeping at Glean's</p> <p>24 Auto Repair shop, you swept up whatever dirt or debris</p> <p>25 might have been in the place you were sweeping, correct?</p>	<p style="text-align: right;">Page 71</p> <p>1 had to sand the linings down.</p> <p>2 Q. What was the purpose of grinding shoes</p> <p>3 on those occasions when you did it?</p> <p>4 MR. COOPER: Just note my</p> <p>5 objection to the form.</p> <p>6 He said he would ground the</p> <p>7 linings, not the shoes.</p> <p>8 Q. Grinding the linings, what was the</p> <p>9 purpose of doing that?</p> <p>10 A. To make them fit to the drum.</p> <p>11 Q. Was that the same purpose of filing</p> <p>12 them?</p> <p>13 A. Yes, yes.</p> <p>14 Q. Why would you grind as opposed to file?</p> <p>15 A. Well, if you had a grinder, you used a</p> <p>16 grinder. If you didn't have a grinder, you used a file.</p> <p>17 Q. What was the purpose of sanding?</p> <p>18 A. The purpose of sanding most of the time</p> <p>19 was get the grease marks off of the lining.</p> <p>20 Q. The new linings that you had to grind or</p> <p>21 sand to fit the drums in vehicles you worked on, did</p> <p>22 those tend to be aftermarket products or original</p> <p>23 manufacturer products?</p> <p>24 MR. COOPER: Just note my</p> <p>25 objection to the form, foundation.</p>
<p style="text-align: right;">Page 70</p> <p>1 MR. COOPER: Objection to the</p> <p>2 form.</p> <p>3 You can answer.</p> <p>4 A. Correct.</p> <p>5 Q. Let's move on to Sheridan Auto Repair --</p> <p>6 well, not quite.</p> <p>7 At Glean's Auto Repair shop, have you</p> <p>8 discussed all of the ways you believe you were exposed to</p> <p>9 asbestos there?</p> <p>10 A. Well, I was exposed sweeping and blowing</p> <p>11 it out. I also sanded the linings too and regrind them</p> <p>12 to make them fit these damn Chrysler products. Take that</p> <p>13 word damn out.</p> <p>14 MR. COOPER: It's too late.</p> <p>15 Q. What did you have to grind?</p> <p>16 A. The tip of the shoes.</p> <p>17 Q. What did you use to do it?</p> <p>18 A. A grinder or a file.</p> <p>19 Q. You are talking about new shoes here?</p> <p>20 A. New shoes, yes.</p> <p>21 Q. Did you manipulate new shoes in any way</p> <p>22 other than with a grinder or a file when you were at</p> <p>23 Glean's Auto Repair shop?</p> <p>24 A. Yes. Because now your hands were all</p> <p>25 dirty and you had to get the grease off of them, so you</p>	<p style="text-align: right;">Page 72</p> <p>1 We should establish those</p> <p>2 terms before we use them in the</p> <p>3 question.</p> <p>4 Objection to the form.</p> <p>5 A. Is there a question?</p> <p>6 MR. COOPER: You can answer if</p> <p>7 you understand it.</p> <p>8 A. I can't recall if it was -- what they</p> <p>9 were.</p> <p>10 Q. Okay.</p> <p>11 You can't remember the brand, trade or</p> <p>12 manufacturer name of any of the new linings that you</p> <p>13 worked with at Glean's Auto Repair shop?</p> <p>14 A. I remember that, yes. But most likely</p> <p>15 what was used it was the aftermarket unless the customers</p> <p>16 specifically wanted a brand name.</p> <p>17 Q. Do you recall the brand, trade or</p> <p>18 manufacturer name of any brake lining that you ever had</p> <p>19 to grind or sand?</p> <p>20 A. The big problems were the Chrysler.</p> <p>21 Q. Any others?</p> <p>22 A. No, just Chrysler.</p> <p>23 MR. RICE: I am sorry. I</p> <p>24 didn't hear that answer.</p> <p>25 (The last answer was read back.)</p>



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1 A. It's hard to recall.  
2 Q. Can you name some of the people who  
3 worked for you there?  
4 Did Joey still work there?  
5 A. No, no.  
6 Q. Did Herb?  
7 A. No.  
8 Q. How about Mr. --  
9 A. Mr. D'Antuono's nephew, he wasn't there.  
10 Q. Thank you.  
11 A. We had a quite a few people.  
12 MR. COOPER: Just tell him any  
13 names you remember.  
14 A. Rodney McNeal.  
15 Q. What is the last name?  
16 A. McNeal. And Wayne Jackson worked there,  
17 and my brother obviously for a while, and a fellow named  
18 Scott. He worked there too. That is all I could recall  
19 right now.  
20 Q. Did K&D Service Station have any  
21 institutional customers from the time you started up  
22 through 1962 or '63 when you became a part owner?  
23 A. No.  
24 Q. Did they have any from the time that you  
25 became a part owner until the time you became full owner?

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1 A. Yes.  
2 Q. What institutional customers did you  
3 have during that time period?  
4 A. We had Approved Ambulance.  
5 MR. COOPER: Approved?  
6 THE WITNESS: Approved.  
7 MR. COOPER: Approved  
8 Ambulance.  
9 A. We had quite a few.  
10 Q. Do you remember any others other than  
11 Approved Ambulance?  
12 A. Right now, I can't recall, but we had a  
13 lot more than that.  
14 Q. Do you remember the type of vehicles  
15 used by Approved Ambulance?  
16 A. They had mostly ambulances, Ford.  
17 Q. Did you ever do work on any of those  
18 vehicles?  
19 A. Yes.  
20 Q. So, K&D was a place where customers  
21 could come to get some repair work done on their  
22 vehicles?  
23 A. Yes.  
24 Q. Was it also a place where they could  
25 fill up with gas?

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1 A. Yes.  
2 Q. Was there anything else customers would  
3 come for other than repair work and gas?  
4 A. To park their cars.  
5 Q. There was a parking garage or a parking  
6 location there?  
7 A. The gas station, we had parking  
8 facilities.  
9 Q. Did K&D own the parking facilities?  
10 A. K&D used to rent from Mobil Oil Company.  
11 Q. But K&D ran the parking facility. Is  
12 that correct?  
13 A. Yes.  
14 Q. And did K&D run the gas station as well?  
15 A. Yes.  
16 Q. Were you involved in running the parking  
17 facility at all during the time when you started in 1959  
18 until you became a part owner in 1962 or 1963?  
19 A. Yes. It had parking.  
20 Q. During that time period, what did you do  
21 in connection with the parking facility?  
22 A. Just parked the cars.  
23 Q. Was it valet-type parking?  
24 A. You could say yes.  
25 Q. Did you continue to do that after you

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1 became a part owner?  
2 A. Yes. We had parking.  
3 Q. Did you continue doing the parking work  
4 from 1962 or '63 until you became a full owner in 1982?  
5 A. Yes.  
6 Q. How many parking spaces -- withdrawn.  
7 About how many vehicles could K&D park?  
8 What was the capacity?  
9 A. A capacity of about 25.  
10 Q. Just if you could estimate roughly on  
11 average about how many cars you would park in any given  
12 day that you were working there?  
13 A. At least 20.  
14 Q. From the time that you started at K&D up  
15 through the time that you became a part owner, did you  
16 also assist customers with gas?  
17 A. Yes.  
18 Q. How many pumps were at K&D?  
19 A. Four pumps.  
20 Q. Was that work that you had to do  
21 regularly during that time period?  
22 MR. COOPER: Objection to the  
23 form.  
24 You can answer.  
25 A. I was mostly at that time doing repairs.

21 (Pages 81 to 84)

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<p>1 My partner was the one that was doing mostly the gas-ing. 2 Q. Did you get involved in that fairly 3 regularly? 4 A. On and off. 5 MR. COOPER: Objection to the 6 form. 7 A. On and off. 8 Q. Did you continue to do that work with 9 the gas pumps from the time you became a part owner until 10 the time you became a full owner of K&amp;D? 11 A. Yes, everything. 12 Q. Now, the repair work that was done on 13 vehicles, did this occur inside the facility, outside or 14 both? 15 A. Both. 16 Q. Could you describe the location of the 17 facility where work was done inside? 18 A. Two bays. We had two bays. 19 Q. How would cars, I don't mean for the 20 answer to be drive, but how would cars get into the base, 21 was it just a straight shot through the garage door or 22 was there some other way to get into the bays? 23 A. No. Straight shot through the garage 24 door. 25 Q. So, these were big floor to ceiling</p>	<p>1 A. Yes. 2 Q. Changed various parts? 3 A. Yes. 4 Q. Did you do oil changes also at K&amp;D? 5 A. Yes. 6 Q. Tune-ups? 7 A. Yes. 8 Q. Carburetor work? 9 A. Yes. 10 Q. Transmission work? 11 A. Yes. 12 Q. And engine work as well? 13 A. Yes. 14 Q. Did you do that type of work from the 15 time you started working at K&amp;D up through the time you 16 became a full owner in 1982? 17 A. Yes. 18 Q. And you also did work with brakes and 19 clutches there? 20 A. Yes. 21 Q. Do you believe you were exposed to 22 asbestos while working at K&amp;D Service Station from the 23 time you began working there in 1962? 24 MR. COOPER: '59. 25 Q. -- 59, thank you up through the time</p>
Page 86	Page 88
<p>1 garage doors? 2 A. Yes. 3 Q. Were these doors open sometimes when 4 work was being done in the garage? 5 A. Yes. 6 Q. Was it common to have them open? 7 A. In the summertime. 8 Q. Okay. 9 Would it be common to have them open 10 sometimes in the spring or fall as well? 11 A. Sometimes when the heating system wasn't 12 on. 13 Q. Were there also windows in the building? 14 A. Just the doors. 15 Q. Were there any fans or other ventilation 16 systems? 17 A. A fan. 18 Q. Now, the repair work that you were 19 involved in at K&amp;D Service Station, was that similar to 20 the repair work that you were involved with at Glean's 21 Auto Repair shop? 22 A. Yes. 23 Q. So, you still had to fix tires? 24 A. Yes. 25 Q. You still removed spark plugs?</p>	<p>1 you became a part owner in 1962 or '63? 2 A. Yes. 3 Q. How do you believe you were exposed to 4 asbestos? 5 A. By cleaning the drums out, and blowing 6 it out, the sanding, the grinding and sweeping up the 7 place. 8 Q. Do you believe that you were exposed to 9 asbestos at K&amp;D in any way other than in connection with 10 brake jobs or cleanup? 11 A. I don't understand. 12 Q. Well, you just mentioned some ways that 13 you believe you were exposed -- 14 A. Right. 15 Q. -- to asbestos, correct? 16 A. Yes. 17 Q. And some of those dealt with removing or 18 replacing brakes. Is that correct? 19 A. Yes. 20 Q. You also mentioned sweeping or cleaning, 21 right? 22 A. Yes. 23 Q. Other than brake work that you did or 24 cleaning work that you did, do you believe that you were 25 exposed to asbestos in any way at K&amp;D?</p>

22 (Pages 85 to 88)

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1 MR. COOPER: Just note my  
2 objection to the form.  
3 You can answer if you  
4 understand.  
5 A. Outside of the brakes, I can't think  
6 ever anything else. Brakes and clutches.  
7 Q. Now, I was only asking you up through  
8 1962 or 1963 when you became a part owner.  
9 Do you believe you were exposed to  
10 asbestos from the time that you became a part owner up  
11 through 1982 when you became a full owner at K&D?  
12 A. Yes.  
13 Q. Was that in the same way that you just  
14 described --  
15 A. Same.  
16 Q. -- or something different?  
17 A. Same way.  
18 Q. During your time at K&D, did you work  
19 with drum or disc brakes?  
20 MR. COOPER: Or both?  
21 MR. EMERY: Or both, correct.  
22 A. Both.  
23 Q. When did you start working with disc  
24 brakes at K&D?  
25 A. I can't recall exactly, but I think it

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1 when we went to put them back on our hands were usually  
2 all dirty with grease, so we had to sand the disc down  
3 and get all that grease off before we put it back on.  
4 Q. Have you told us all the ways that you  
5 believe you were exposed to asbestos when doing clutch  
6 work at K&D?  
7 A. Yes.  
8 Q. Just for clarification, do you  
9 understand now that when I am asking you about different  
10 work that you did and ways you believe you were exposed  
11 to asbestos I am talking just about the period that you  
12 started at K&D up until the point you became a full  
13 owner, okay?  
14 A. It's all the same.  
15 Q. That's all I am going to be talking  
16 about, okay?  
17 MR. COOPER: Say --  
18 A. Yes.  
19 Q. Do you believe that you were exposed to  
20 asbestos from working with brakes at K&D -- withdrawn.  
21 Do you believe that you were exposed to  
22 asbestos from working with drum brakes at K&D?  
23 A. Yes.  
24 Q. How about disc brakes?  
25 A. Yes.

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1 was, like, in the '70s.  
2 Q. Did there come a time when you ever  
3 actually stopped working with drum brakes up to 1982?  
4 A. We always had drums.  
5 Q. I am going to do the quickest thing  
6 first. Let's talk about clutch work.  
7 How do you believe you were exposed to  
8 asbestos from working with clutches at K&D? And here I  
9 am talking about the time that you started all the way up  
10 to the time you became a full owner.  
11 A. Well, clutches as I recall them, we took  
12 the housing down. It would be dusty. And then also too  
13 when we went to put the plates back on our hands were all  
14 greased up. We had to sand the disc out too.  
15 Q. Do you know the brand, trade or  
16 manufacturer name of any of the clutches that you had to  
17 replace when you were at K&D up through 1982?  
18 A. When we had to replace them, we would  
19 replace them with Borg Warner.  
20 Q. But, you don't recall the name of any of  
21 the old ones that you actually replaced, correct?  
22 A. No, I can't.  
23 Q. How do you believe you were exposed to  
24 asbestos from putting clutch plates back on?  
25 A. Well, like I said, Herb and I used to

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1 Q. You described the process earlier of  
2 replacing drum brakes when we were talking about Glean's,  
3 correct?  
4 A. Yes.  
5 Q. When you did brake work at K&D, was that  
6 process any different with drum brakes?  
7 A. The only difference I can recall right  
8 now would be the new shoes when they were put on we had  
9 to sand them down to get our fingerprints off of them.  
10 Q. At K&D when you removed brake drums and  
11 particularly old brake linings, were you ever able to  
12 tell the names of any manufacturers or brands of those  
13 linings or were they too dirty for that?  
14 A. At times, you could tell.  
15 Q. Is it fair to say that the only times  
16 you would be able to tell was when they weren't so dirty?  
17 MR. COOPER: Objection to the  
18 form.  
19 You can answer.  
20 A. Not that it was so dirty. It was so  
21 worn out.  
22 Q. I am sorry. Let me re-ask the question.  
23 I just want to make sure that we  
24 understand each other. I am not sure I asked the  
25 question the way you understood what I was asking.

23 (Pages 89 to 92)

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<p style="text-align: right;">Page 93</p> <p>1 Is it fair to say that if you had been 2 able to read a manufacturer or brand name on a brake 3 lining when you were working at K&amp;D and removing that 4 lining, you would only have been able to do so because 5 those brake drums weren't so dirty? 6 MR. COOPER: Objection to the 7 form. 8 You can answer. 9 A. No. That is not true. It has to do 10 with the lining, how much lining was left on there, not 11 on how dirty the drum was. 12 Q. So, but isn't true that even if the 13 linings weren't so worn down that oftentimes they are 14 very dirty, the linings themselves? 15 MR. COOPER: Objection to the 16 form. 17 You can answer. 18 A. Yes. But, you blew them all off and you 19 can see the name. 20 Q. Do you recall the brand, trade or 21 manufacturer name of any of the old brake linings that 22 were removed during the course of replacing drum brakes 23 at K&amp;D? 24 MR. COOPER: Up until '82. 25 MR. EMERY: Always.</p>	<p style="text-align: right;">Page 95</p> <p>1 You can answer it one more 2 time. 3 A. It's hard to tell. Someone would wear 4 the brakes down to nothing and others wouldn't. 5 Q. Do you recall the brand, trade or 6 manufacturer name of any of the new brake linings that 7 you installed during the course of drum brake replacement 8 work at K&amp;D? 9 A. The ones I mentioned. The brands I just 10 mentioned. 11 Q. You mean the brands that you just 12 mentioned that you removed? 13 A. Those would be replaced. 14 Q. Those are the same ones that you used 15 the new linings for? 16 A. Yes. 17 Q. About how long did it take you to do a 18 brake replacement job on an entire vehicle, all four 19 drums, at the time you were at K&amp;D? 20 A. About the same, about an hour and a 21 half. 22 Q. About how long did the blow-out portion 23 you talked about take? 24 A. You had to take each individual off. In 25 all you figure about 20 minutes.</p>
<p style="text-align: right;">Page 94</p> <p>1 MR. COOPER: Always. 2 A. All the manufacturers had their names on 3 them. 4 MR. COOPER: He is asking 5 which companies. 6 A. Ford, General Motors, Chrysler, 7 International, Bendix, Raybestos. I am missing one 8 again. I don't know who. 9 Q. Would it be fair to say that most of the 10 time you would not be able to tell the names of the 11 linings that you removed during the course of doing a 12 drum brake job? 13 MR. COOPER: Objection to the 14 form. 15 Objection, asked and answered. 16 You can answer. 17 A. Again, it depends on how badly worn they 18 were. 19 Q. Okay. 20 Well, most of the time, were they too 21 worn for you to be able to read the manufacturer name on 22 the old lining? 23 MR. COOPER: Objection to the 24 form. 25 Objection, asked and answered.</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Roughly how long did sanding or grinding 2 take when that was necessary? 3 A. It is hard to tell exact time. It 4 wouldn't take that long. 5 Q. How do you believe you were exposed to 6 asbestos from replacing disc brakes at K&amp;D? 7 A. When we took the caliper off, it would 8 be all full of dust. 9 Q. So, here you are talking about an old 10 brake lining on a disc brake? 11 A. Yes. 12 MR. COOPER: Pad. 13 MR. EMERY: They are called 14 linings too. 15 MR. COOPER: Well let's try 16 and keep it -- 17 Q. We will call them pads with disc brakes 18 and stick to linings for drum brakes? 19 A. It's easier. 20 Q. Do you believe you were exposed to 21 asbestos from working with or replacing disc brakes in 22 any way other than from the old pad that was removed? 23 A. Yes. Because the new ones we would have 24 to grind. 25 Q. Do you remember the brand, trade or</p>

24 (Pages 93 to 96)